THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No.2271 OF 2003

Dated: August 3, 2005

Between:

Gram Panchayat, Purushothapally, rep. by

Its Sarpanch Smt. J. Nagamani, W/o. Seshagiri Rao,

Hindu, aged about 38 years,

R/o. Purushothapalli, Nidadavole Mandal,

West Godavari District.

… Petitioner

And

Commissioner and Director of School

Education (Nodal Officer), (Implementing the

Programme of Mid-day Meals), Hyderabad and others.

… Respondents

Order:

This writ petition is filed seeking Mandamus, declaring the action of the respondents, in not extending the benefit of Mid-day Meals programme to the students studying VI and VII classes in Z.P. High School situated under the petitioner Gram Panchayat, as illegal, arbitrary and discriminatory and for a consequential order directing the respondents to implement the Mid-day Meals programme to the students studying in VI and VII classes in Z.P. High School of the petitioner Gram Panchayat, on par with the students in Upper Primary Schools in terms of G.O. Ms. No.94 dated 25-11-2002.

2. Petitioner, in the present writ petition, is the Grampanchayat, Purushothapally, represented by its Sarpanch. It is stated by the Sarpanch of the said Grampanchayat that she has been looking after the students' folk of two Mandal Praja Parishad Primary Schools containing classes I to V and classes VI to X in Zilla Parishad High School. She, being the Chairman of the Panchayat Level Committee for the implementation and supervision of the Mid-day Meals programme in the panchayat area, is questioning the impugned action of the respondents herein in not extending the benefit of the Mid-day Meals programme to the students studying classes VI and VII in Z.P. High School.

3. It is the case of the petitioner that the Government of Andhra Pradesh issued G.O. Ms. No.94 dated 25-11-2002 Education (SE-PROG-I) Department in pursuance of the implementation of National Programme for Nutritional support to Primary Education (NSPE), whereunder the Government had given instructions to all the Government schools in the State to implement the Mid-day meals programme by giving hot cooked food, with effect from 02-01-2003. In order to implement the scheme, the Government also accorded administrative sanction for an amount of Rs.69.93 crores at the rate of Rs.1.25 per child per day towards education. It is the main grievance of the petitioner that even though the guidelines issued by the Government in the G.O., clearly state that the scheme is to be implemented to all the students studying upto VII class in Government Schools, respondents are not extending this benefit to the students who are studying classes VI and VII in Zilla Parishad Schools, which action, according to the petitioner, is quite contrary to the guidelines issued by the Government.

4. Heard the counsel appearing on either side.

5. Respondents filed counter affidavit stating that G.O. Ms. No. 94, dated 25-11-

2002, was issued for implementation of the Mid-day Meal programme for the benefit of children of Primary and Upper Primary schools and Government-assisted Primary Schools. The aim and object of the scheme is to extend the programme to the children of Classes I to V studying in Primary Schools and to avoid discrimination, the Government on the basis of the recommendations made by the Cabinet Sub-committee, which was appointed to discuss the modalities, has taken a decision to extend the benefit of the scheme to children of Classes VI and VII studying in the Upper Primary school as they were finding it difficult to separate them from children of classes I to V. Therefore, the contention of the petitioner that the Mid-day Meal programme is not being extended to the students of classes VI and VII in Z.P. Schools, and the same is contrary to G.O.Ms.No.94; is untenable.

6. Admittedly, the Mid-day Meal programme is intended for the benefit of children studying in Primary Schools only, but as the schools were finding it difficult to segregate the children of Classes I to V from the children of Classes VI and VII, studying in the Upper Primary School, the Cabinet Sub-committee felt that the scheme should be extended to Classes VI and VII in Upper Primary Schools. Since the Government has taken a policy decision to extend the benefit of the Mid-day Meals programme only to the children studying in Primary Schools and Upper Primary Schools, and not to the children of Classes VI and VII of Zilla Parishad High School, no exception can be taken to the action of the respondents in not extending the benefit thereof to the children of Classes VI and VII of the Zilla Parishad School, situated within the limits of the petitioner Gram Panchayat.

7. The policy decision having been taken keeping in view the financial burden on the State, and to avoid discrimination of separation of classes VI and VII from the primary sections, namely classes I to V in upper primary schools, no direction can be given to the respondents to extend the benefit of the said scheme to the children of Classes VI and VII of the Zilla Parishad school situated within the limits of the petitioner Gram Panchayat.

8. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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N.V. RAMANA, J

August 3, 2005

MRR